

EXHIBIT

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From: [Robert Mitchell](#)
To: [Gunn, Jeremy](#); [Scott C. Sutherland](#); [Dean S. Atyia](#); [Miranda H. Jones](#); [Mallory K. Schiller](#); [Cody N. Brandon](#)
Cc: [Esquivel, David](#); [Miller, Sarah B.](#); [Alex Kursman](#); [Lynne Leonard](#); [Hayden Nelson-Major](#); [Ana Baldrige](#); [amohan@srvhlaw.com](#); [csabis@srvhlaw.com](#); [ahaston@srvhlaw.com](#)
Subject: RE: King v. Parker - MSJ
Date: Monday, March 21, 2022 3:24:00 PM

Jeremy,

A year ago Plaintiff's current counsel, Alex Kursman and Lynne Leonard, asked us if we would oppose Plaintiff's motion to amend the scheduling order to permit more discovery and continue the trial date. We did not oppose the motion, and on April 5, 2021, Plaintiff moved to amend the scheduling order. (D.E. 123.) In that motion, Plaintiff's counsel inserted the current dispositive deadline of March 16, 2022, and inserted the 14-day response time. (D.E. 123.) The Court granted Plaintiff's motion to amend, including Plaintiff's proposed timeframes (D.E. 125).

Now, after you have had a chance to review Defendants' motion for summary judgment, you are asking for more time to respond. Because (1) Plaintiff asked for this schedule; and (2) because your request comes after you reviewed our motion, we cannot agree to your request for more time to respond to our dispositive motion.

Rob

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From: Gunn, Jeremy <jeremy.gunn@bassberry.com>
Sent: Friday, March 18, 2022 2:08 PM
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Subject: King v. Parker - MSJ

Rob,

Under the operative scheduling orders (Doc. 125 and Doc. 151), our response to your Motion for Summary Judgment is due within 14 days after the filing of your motion, and an

optional reply may be filed 7 days after the filing of the response. Yet the Order Setting Schedule and Trial (Doc. 82) originally provided that responses to dispositive motions are due within 28 days after the filing of the motion, and optional replies may be filed within 14 days after the filing of responses.

It appears that Mr. King's prior counsel and your office agreed to change the original dispositive motion deadlines to the current deadlines in the Joint Motion to Continue Trial Date and Amend the Scheduling Order (Doc. 113). While we are unclear why the deadlines were shortened and whether that change was unintentionally made, we nevertheless would like to amend the scheduling order to include the former deadlines given the length of your MSJ filing and the number of exhibits. We would propose these deadlines:

- Motion for Summary Judgment Due – March 16, 2022
- Response Due – April 13, 2022
- Optional Reply – April 27, 2022

The proposed deadlines would allow the court sufficient time before trial to resolve your Motion for Summary Judgment in accordance with Local Rule 16.01(h). Can you please let us know by Monday whether we can file our motion as an unopposed motion to amend the scheduling order?

Thanks, and have a good weekend.

Jeremy

Jeremy Gunn

Associate

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